IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 4872 of 1995

Between:

1 Anumati Guravaiah, S/o Ankaiah,
R/o Reddypalem (V), H/o Bayyaram, Pinapaka (M),
Khammam Dist.
2 Anumati Kondaiah, S/o Ankaiah,
R/o Reddypalem (V), H/o Bayyaram, Pinapaka (M),
Khammam Dist.

..... PETITIONERS

AND

1 The Mandal Revenue Officer,
Pinapaka Mandal, KHAMMAM DISTRICT.
2 The Special Deputy Collector (Tribal Welfare),
Palwancha, KHAMMAM DISTRICT.
3 Agent to Government of A.P at Khammam.
4 Chanda Bayamma, Singareddypally,
H/o Mallaram, Pinapaka Mandal, Khammam Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ order or direction more particularly a writ of Certiorari, calling for the records relating to Case No.C.M.A.1/94 dt: 23-12-1994 of the 3rd respondent and quash the same and directing the respondents to restitute the possession of the lands in Survey Nos.350, 351 & 352 situated at Singareddipalli (V) of Pinapaka (M) to the extents of Ac.1.16 guntas in S.No.350, Ac.0.32 guntas in Sy.No.351 & Ac.2.00 in Sy.No.352 to the petitioners herein.

Counsel for the Petitioner: MR.MOHD.IMTIAZ

Counsel for the Respondents 1 to 3 : GP FOR SOCIAL WELFARE

Counsel for the Respondent No.4: None appeared.

The Court made the following :

O R D E R :

Heard Sri Mr.Mohd. Intiaz, learned counsel for the petitioner and the learned Government Pleader for Social Welfare appearing for the respondents 1 to 3.

The petitioner herein, claiming to be purchaser of the land in survey nos. 350, 351 and 352 situated in Singareddipalli village of Pinapaka mandal, Khammam district, filed this Writ Petition, *inter alia,* seeking to assail the orders dated 23.12.1994 in C.M.A. No. 1 of 1994 passed by the appellate authority under the Land Transfer Regulations, 1959, dismissing his appeal confirming the orders passed against him by the primary authority dated 22.08.1992. The case of the petitioner, in brief, is that he had purchased the land in pursuance of an agreement dated 25.03.1959 from Gondi Butchaiah, son of Muthaiah, who claimed to the owner of the land, for a valuable consideration and since then he has been in possession thereof. However, admittedly, having regard to the fact that the land is situated in the agency area and that the Land Transfer Regulations are squarely applicable, the primary authority as well as the appellate authority held that the purchase made by the petitioner is hit by the said provisions and also the fact that the petitioner was not found to be in possession. Having regard to such findings of fact as arrived at by both the authorities concurrently, I do not find any valid ground to warrant interference under Section 226 of the Constitution of India.

The Writ Petition is, accordingly, dismissed. No costs.

(B.Prakash Rao, J.)

10.02.2005

DRK

Copy to:

1 The Mandal Revenue Officer,
Pinapaka Mandal, KHAMMAM DISTRICT.
2 The Special Deputy Collector (Tribal Welfare),
Palwancha, KHAMMAM DISTRICT.
3 Agent to Government of A.P at Khammam.

4 Two CCs to the G.P. for Social Welfare, High Court of A.P., High Court buildings, Hyderabad (o.u.t.).

5 Two CD copies.